

Regulatory Division
South Permits Branch

PUBLIC NOTICE

PROGRAMMATIC GENERAL PERMIT SAJ-42

SHORELINE STABILIZATION; MAINTENANCE DREDGING IN UPLAND-CUT ARTIFICIAL RESIDENTIAL CANALS; BOAT RAMPS; SUBAQUEOUS UTILITY AND TRANSMISSION LINES; UPLAND-CUT BOAT SLIPS; PIERS AND APPURTENANCES; STORMWATER OUTFALLS; MINOR STRUCTURES; FLOATING VESSEL PLATFORMS IN WATERS OF THE UNITED STATES LOCATED WITHIN MIAMI-DADE COUNTY, FLORIDA

PROPOSAL: To simplify and speed processing of Department of the Army permits, the Jacksonville District, U.S. Army Corps of Engineers (Corps) proposes to reissue Programmatic General Permit SAJ-42 which gives general authority to Miami-Dade County Department of Environmental Management (DERM), under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, to administer this permit for shoreline stabilization, maintenance dredging in upland-cut artificial residential canals, boat ramps, subaqueous utility and transmission lines, upland-cut boat slips, piers and appurtenances, stormwater outfalls, minor structures, and floating vessel platforms in waters of the United States located within Miami-Dade County, Florida.

BACKGROUND: In 1981, the Corps issued a general permit that gave Miami-Dade County the authority to administer a Department of the Army permit for the construction and/or repair of private single-family piers. In 1986, the permit was reissued with expanded authority to administer DA permits for shoreline stabilization, maintenance dredging in upland-cut residential canals, boat ramps, subaqueous utility and transmission lines, boat slips, piers and appurtenances, stormwater outfalls, minor structures, floating vessel platforms in waters of the United States. In 1994, the permit was reissued for the above activities except that artificial reefs were removed from DERM authority and riprap placed under piers for mitigation was added. On January 25, 1999, it was administratively extended. On May 1, 2002, SAJ-42 was reissued for the same activities. During the past five years, it has been utilized a total of 657 times: 103 times in 2002, 67 times in 2003, 153 times in 2004, 170 times in 2005, and 164

times in 2006. For this version, bulkheads and riprap have been combined into a single shoreline stabilization section, the aerial transmission lines section has been deleted, while a floating vessel platform section has been added as has the reconstruction of piers in the same footprint.

The term "general permit" means a Department of the Army authorization that is issued on a nationwide or regional (District) basis for a category of activities when: those activities are substantially similar in nature and cause only minimal individual and cumulative impacts. General permits are a way to reduce the burden of the regulatory program on the public and ensure timely issuance of permits while effectively administering the laws and regulations which establish and govern the program. General permits are reviewed every five years. An assessment of the cumulative impacts of work authorized under the general permit is performed at that time if it is in the public interest to do so. In most instances, anyone complying with the conditions of the general permit can receive project specific authorization. Anyone not complying with the conditions of a general permit may still receive authorization via a "standard permit", but the application must be individually evaluated and coordinated with third parties, including the federal and state resource agencies. Review of an application for a "standard permit" takes additional time to complete as conflict resolution may be required.

Since the last reauthorization, the Jacksonville District has reissued a State Programmatic General Permit (SPGP IV) which authorizes the Florida Department of Environmental Protection (DEP) or DEP's duly authorized designee to issue Department of the Army permits for minor activities within the majority of the State of Florida. Many of the activities proposed in SAJ-42 can be authorized under the SPGP IV. However, since DERM has been issuing permits for activities covered in the SPGP for the past ten years, and has the ability to perform a detailed site inspection for each application, both the DEP and the Corps feel that by continuing SAJ-42, the public will be better served without diminishing the level of environmental protection. A draft of the proposed general permit as proposed for reissuance follows:

DEPARTMENT OF THE ARMY

PROGRAMMATIC GENERAL PERMIT SAJ-42

SHORELINE STABILIZATION; MAINTENANCE DREDGING IN UPLAND-CUT
ARTIFICIAL RESIDENTIAL CANALS; BOAT RAMPS; SUBAQUEOUS UTILITY AND
TRANSMISSION LINES; UPLAND-CUT BOAT SLIPS; PIERS AND
APPURTENANCES; STORMWATER OUTFALLS; MINOR STRUCTURES; FLOATING
VESSEL PLATFORMS IN WATERS OF THE UNITED STATES LOCATED WITHIN
MIAMI-DADE COUNTY, FLORIDA

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act, general authority is given to Miami-Dade County Department of Environmental Resource Management (DERM) to administer this permit for shoreline stabilization, maintenance dredging in upland-cut artificial residential canals, boat ramps, subaqueous utility and transmission lines, upland-cut boat slips, piers and appurtenances, stormwater outfalls, minor structures, and floating vessel platforms in waters of the U.S. located within Miami-Dade County, Florida, subject to the following conditions:

A. SPECIAL CONDITIONS FOR SHORELINE STABILIZATION:

1. The work herein includes the installation of seawalls/bulkheads with necessary backfill in principally residential canals in Miami-Dade County.
2. The work herein includes the repair of seawalls/bulkheads with necessary backfill within one-foot of the existing bulkhead; the installation or repair of seawall caps, footers, and/or batter piles including king/t-piles; the installation or repair of riprap in front of existing seawalls; and the installation or repair of unconsolidated riprap revetments.
3. The work herein shall not exceed 500 feet in length.
4. If backfill is utilized, then a suitable filter material shall be installed to maintain the stability of the fill material. Any backfill below the plane of the mean or ordinary high water line shall not exceed one cubic yard per running foot.
5. Bulkhead installation with necessary backfill shall not extend any farther waterward than existing bulkheads in the immediate area or more than 5 feet waterward of the Mean High Water Line or Ordinary High Water line, whichever is less. The

fill will not exceed 1 cubic yard per running foot below the plane of the mean or ordinary high water line.

6. The backfill must be from upland sources and consist of suitable material, free from toxic pollutants in other than trace quantities.

7. This permit does not authorize any filling, except for backfill behind the bulkheads.

8. At no time should this permit be construed to allow filling of or construction in mangroves or other wetlands, seagrass, coral, or any other special aquatic sites for any purpose including additional development.

9. In addition to the 8 Special Conditions listed above, the permittee must abide by all of the Special Conditions which are listed in paragraph 'J' below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

B. SPECIAL CONDITIONS FOR MAINTENANCE DREDGING:

1. The work authorized herein is limited to existing artificial residential canals in Miami-Dade County, Florida.

2. This general permit only authorizes maintenance dredging of the above areas. No additional dredging/excavation is allowed under this permit other than that necessary to restore the canal to its original excavated depth. Where no previous permit has been issued by the Corps or by DERM on behalf of the Corps for construction or maintenance dredging of the existing manmade canal, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water.

3. The material dredged/excavated under this permit shall not exceed 4,000 cubic yards per project per year.

4. Turbidity control measures will be used to control water quality and the work must be in accordance with State Water Quality Standards in Chapter 62.302, and sections 62-4.242 and 62-4.244 in the Florida Administrative Code. Turbidity control measures may include but are not limited to, turbidity control curtains, the exclusive use of suction dredging, the exclusive use of closed "clam shell" dredging, or any other technique necessary to reduce turbidity to no more than background turbidity. The Florida Department of Environmental Protection (DEP) may require the applicant to submit a daily turbidity

report which may be verified by state or local government inspectors.

5. Excavated spoil material shall be deposited at self-contained upland areas that will prevent spoil material and/or return water from reentering any water of the United States or interfering with natural drainage.

6. No discharge of dredged or fill material into navigable waters of the United States is authorized by this permit.

7. Excavation of wetlands or areas containing submerged aquatic vegetation is not authorized by this general permit.

8. This permit does not authorize the removal of plugs nor the connection of any canal to navigable waters of the United States or to any other waters.

9. In addition to the 8 Special Conditions listed above which are only applicable to maintenance dredging of existing upland-cut residential canals, the permittee must abide by all of the Special Conditions which are listed in paragraph 'J' below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

C. SPECIAL CONDITIONS FOR BOAT RAMPS:

1. The work herein authorized includes the installation, maintenance and removal of boat ramps, including appurtenant structures (bulkheads, rub-rails, tie-up piers) requiring less than 100 cubic yards of fill material.

2. Where practical, bulkheads should extend no further than 1 to 2 feet waterward of the mean high water line, but in no case shall they exceed 5 feet waterward of the mean high water line. Tie-up piers shall not exceed: (a) the length of the boat ramp; (b) a width of 6 feet; and may have a single catwalk or "L" not to exceed 20 feet in length and 4 feet in width.

3. Navigational access to navigable waters of the United States must already exist. No dredging of navigational access channels is permitted under SAJ-42.

4. In addition to the 3 Special Conditions listed above which are only applicable to the installation of boat ramps, the permittee must abide by all of the Special Conditions which are listed in paragraph J. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

D. SPECIAL CONDITIONS FOR SUBAQUEOUS UTILITY AND TRANSMISSION LINES:

1. The work herein authorized includes the installation and maintenance of subaqueous utility and transmission lines laid on, embedded in, or horizontal directional drilled beneath the bottom of navigable waters of the United States in Miami-Dade County.

2. All utility and/or transmission lines, cables, conduits, pipes, etc., authorized by this general permit must be installed a minimum of 6 feet below the authorized depth of any Federal Channel it crosses. The 6-foot criteria apply to the entire authorized width of the channel, plus a minimum of 25 feet outside the channel edges to allow for maintenance of the side slopes.

3. No utility and/or transmission lines will be embedded in the bottom of aquatic preserves, or in areas of seagrass beds and/or live corals.

4. Dredged or fill material placed as backfill or bedding for subaqueous utility and transmission lines must not change the preconstruction bottom contours. Excess material must be removed to a self-contained upland area that will prevent spoil material and/or return water from reentering any water of the United States or interfering with natural drainage.

5. The permittee will install signs at the shoreline to notify navigational interests of the location of subaqueous utility and transmission lines.

6. Where the proposed transmission line is to be installed in navigable waters of the United States, at least two weeks prior to the start of the authorized work, the permittee must notify the National Oceanic Atmospheric Administration (NOAA) and again upon completion of the work. The permittee shall notify the District Engineer at the letterhead address, attention: Regulatory Division, and NOAA, at Nautical Data Branch N/CS26, Station 7317, 1315 East-West Highway, Silver Springs, MD 20910-3282. This notification will include "as-built plans," Signed and sealed by a registered surveyor/engineer licensed in the State of Florida, that certify the project is constructed as authorized, and must include an accurate (within \pm foot) depiction of the location and configuration of the completed activity in relation to the mean high water of the navigable water.

7. The permittee shall defend and hold the U.S. Government harmless from any and all claims by reason of the placement and installation of the transmission lines authorized by this permit.

8. In addition to the 7 Special Conditions listed above which are only applicable to the installation and maintenance of subaqueous utility and transmission lines, the permittee must abide by all of the Special Conditions which are listed in paragraph J. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

E. SPECIAL CONDITIONS FOR UPLAND-CUT BOAT SLIPS:

1. The work authorized herein includes the installation and maintenance of an upland-cut boat slip (berthing space created primarily through upland excavation/dredging and connection to navigable waters) and appurtenant structures such as bulkheads, catwalks, etc. The appurtenant structures shall not exceed a total of 50 linear feet in either direction of the upland cut boat slip.

2. The amount of dredged material shall not exceed 200 cubic yards below MHWL for new work. Maintenance dredging of up to 50 cubic yards of material per year from existing upland cut boat slips is authorized.

3. Dimensions of the upland-cut boat slip shall not exceed 50 linear feet in either direction and the depth of the upland-cut boat slip shall not exceed the outlying control contours of the water body and shall in no case be greater than -5 feet mean low water.

4. Excavated spoil material shall be deposited at self-contained upland areas that will prevent spoil material and/or return water from reentering any water of the United States or interfering with natural drainage.

5. Dredged material shall not be placed in adjacent waters or wetlands.

6. Upland-cut boat slips that require dredging of wetland areas will not be authorized under this general permit.

7. Construction activity which may adversely affect water quality, fish and wildlife habitat, wetlands or submerged aquatic vegetation shall not be authorized by this general permit.

8. New construction of canals or access channels are specifically excluded from this authorization.

9. In addition to the 8 Special Conditions listed above which are only applicable to the installation and maintenance of upland cut-boat slips, the permittee must abide by all of the Special

Conditions which are listed in paragraph 'J' below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

F. SPECIAL CONDITIONS FOR PIERS AND APPURTENANT STRUCTURES:

1. Structures authorized under this general permit include the repair and replacement or installation of a single pier per parcel (including docks, marginal docks, viewing platforms, fishing piers, and other similar structures with similar purpose) not to exceed 2 slips per parcel unless a Florida Fish and Wildlife Conservation Commission approved Manatee Protection Plan is more restrictive. This would include normal appurtenances such as boat hoists, boat lifts and davits, boat shelters with open sides, stairways, walkways, mooring pilings, dolphins, and maintenance of same.

2. Repair or rehabilitation of currently serviceable multi-slip watercraft access structures may be authorized under this permit provided all of the following are met: 1) the replacement is within the same configuration, 2) the project is not located in an Important Manatee Area, 3) the number of slips is not increased; 4) the size of the vessels able to utilize the facility is not increased; 5) the number of existing slips is not in question; 6) the improvements to the existing watercraft access structures do not result in increased watercraft usage. (see Manatee Key at http://www.saj.usace.army.mil/permit/Endangered_Species/end_species_index.htm) for more details).

3. No living, fueling, or storage facilities over navigable waters of the United States are authorized under this general permit

4. The structure shall be consistent with other structures in the area.

5. No activity shall be authorized under this general permit which by its size or location may adversely affect water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Adverse impacts to aquatic vegetation from dock construction may be ameliorated by strict adherence to the attached joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's **"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - August 2001."** http://www.saj.usace.army.mil/permit/hot_topics/Dock_Guidelines/dockindex.htm Dock construction everywhere in the State of Florida must comply with the above, and additionally, because of

concerns about adverse impacts to Johnson's seagrass (*Halophila johnsonii*), dock construction in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with the construction guidelines titled **"Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002."**

http://www.saj.usace.army.mil/permit/hot_topics/Dock_Guidelines/dockindex.htm *Note: Both the Key and the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

6. Structures (including any mooring areas) constructed on principally residential canals must not extend waterward more than 25% of waterway width.

7. In addition to the 6 Special Conditions listed above which are only applicable to the construction of single-family piers, the permittee must abide by all of the Special Conditions which are listed in paragraph J. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

G. SPECIAL CONDITIONS FOR STORM WATER OUTFALLS:

1. Structures authorized under this general permit are storm water outfalls and appurtenances.

2. Authorization is contingent upon issuance of lawfully required National Pollutant Discharge Elimination System permits (Section 402 of the Clean Water Act) from the U.S. Environmental Protection Agency, Florida Department of Environmental Protection, State Water Management District, or their legally authorized delegate.

3. This general permit authorizes dredging at storm water outfalls. No additional dredging is authorized under this general permit other than that which would be necessary to restore the discharge structure and the area within the immediate vicinity of the structure to the original permitted excavated depth. Where no previous permit has been issued by the Corps or by DERM on behalf of the Corps for construction or maintenance dredging at the existing storm water outfall, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water.

4. Turbidity control measures will be used to control water quality and the work must be in accordance with State Water Quality Standards in Chapter 62.302, and sections 62-4.242 and 62-4.244 in the Florida Administrative Code. Turbidity control measures may include but are not limited to, turbidity control curtains, the exclusive use of suction dredging, the exclusive use of closed "clam shell" dredging, or any other technique necessary to reduce turbidity to no more than background turbidity. The Florida Department of Environmental Protection (DEP) may require the applicant to submit a daily turbidity report which may be verified by state or local government inspectors.

5. Excavated spoil material shall be deposited at self-contained upland areas that will prevent spoil material and/or return water from reentering any water of the United States or interfering with natural drainage.

6. In addition to the 5 Special Conditions listed above which are only applicable to the construction and maintenance of stormwater outfalls, the permittee must abide by all of the Special Conditions which are listed in paragraph 'J' below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

H. SPECIAL CONDITIONS FOR MINOR STRUCTURES:

1. The work herein authorized will be for minor structures to include:

- a. Single mooring pilings.
- b. Small mooring dolphins (limited to one cluster of four or fewer pilings).
- c. Non-commercial information signage.
- d. Boat lifts and their appurtenant catwalks, hoists, davits.
- e. Other minor structures that would have less environmental impact than a small dock.

2. No work shall be authorized by this permit within the boundaries of any national or state park.

3. No activity shall be authorized under this general permit which by its size or location may adversely affect water quality, fish and wildlife habitat, wetlands, or emergent or submerged

aquatic vegetation. Adverse impacts to aquatic vegetation from dock construction may be ameliorated by strict adherence to the attached joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's **"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - August 2001."** http://www.saj.usace.army.mil/permit/hot_topics/Dock_Guidelines/dockindex.htm Dock construction everywhere in the State of Florida must comply with the above, and additionally, because of concerns about adverse impacts to Johnson's seagrass (*Halophila johnsonii*), dock construction in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with the construction guidelines titled **"Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002."** http://www.saj.usace.army.mil/permit/hot_topics/Dock_Guidelines/dockindex.htm *Note: Both the Key and the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

4. In addition to the 3 Special Conditions listed above which are only applicable to the construction of minor structures, the permittee must abide by all of the Special Conditions which are listed in paragraph J. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

I. SPECIAL CONDITIONS FOR FLOATING VESSEL PLATFORMS:

1. The work herein authorized will be for single family residential floating vessel platforms (FVPs) to include the construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts.

2. FVPs must float at all times in the water for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use. FVPs must not be used for mooring vessels that remain in the water when not in use.

3. FVPs must not exceed a combined total of 200 square feet within an Outstanding Florida Water or 500 square feet outside of an Outstanding Florida Water whether associated with a dock or

whether attached to a bulkhead on a parcel of land where there is no other docking structure.

4. This permit does not authorize the placement of floating vessel platforms or construction in mangroves or other wetlands, seagrass habitat or other areas capable of supporting submerged aquatic vegetation, coral, or any other special aquatic sites for any purpose.

5. In addition to the 4 Special Conditions listed above which are only applicable to FVPs, the permittee must abide by all of the Special Conditions which are listed in paragraph 'J'. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

J. SPECIAL CONDITIONS FOR ALL WORKS:

1. No work shall be performed until the applicant submits satisfactory plans for the proposed activity and receives written authorization from Miami-Dade County DERM.

2. A residential canal is defined as a manmade waterway surrounded on both sides by uplands. Federally maintained navigation and/or flood control projects are not considered to be residential canals and SAJ-42 is not authorized for use within them.

3. Wetlands are those areas that are periodically inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

4. No structures or work shall be authorized by this general permit in areas designated as American Crocodile critical habitat or in Biscayne Bay National Park Protection Zone, or in Federal Manatee Sanctuaries, refuges, motorboat prohibited zones, or no entry zones.

5. No activity shall be authorized under this general permit which by its size or location may adversely affect water quality, fish and wildlife habitat, mangroves or other wetlands, emergent or submerged aquatic vegetation, *Acropora spp.* or other corals, or any other special aquatic site.

6. No work shall be performed until after the permittee provides notification to the owner(s) or operator(s) of any marked utilities in the work area.

7. No registered properties or properties listed as eligible for inclusion in the National Register of Historic Places will be affected.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other responsible parties, should notify the SHPO, as well as the appropriate Army Corps of Engineers office, immediately. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05 Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under her or her jurisdiction.

8. Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this general permit.

9. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as a Standard Permit.

10. Prior to issuance of authorization, the dichotomous key entitled "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, July 2005" (See http://www.saj.usace.army.mil/permit/Endangered_Species/end_species_index.htm) will be used to determine potential manatee impacts. Projects judged as a "may affect" to the manatee must be coordinated with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act and are not authorized under this general permit. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

11. The permittee shall comply with the Standard Manatee Construction conditions (See http://www.saj.usace.army.mil/permit/Endangered_Species/end_species_index.htm).

12. The permittee shall comply with the Sea Turtle and Smalltoothed Sawfish Construction Conditions (See

http://www.saj.usace.army.mil/permit/Endangered_Species/end_species_index.htm).

13. No activity shall be authorized under this general permit which is likely to adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

14. No structure or work that is in Federal manatee sanctuaries, refuges, motorboat prohibited zones, or "no entry zones" shall be authorized by SAJ-42. Applications for work in these areas will require review under standard permit criteria.

15. Prior to the initiation of any construction, projects qualifying for this regional general permit must be authorized by the applicable permit required under Part IV of chapter 373, F.S., by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F. S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S.

16. For projects proposed adjacent to Federally maintained channels, no structure, including mooring piles, authorized under this general permit shall be within the established setback (Normally 100' in the ICW but may vary in other Federal channels such as the Miami River).

17. Any structure authorized under this general permit must not interfere with general navigation.

18. For projects authorized under the SAJ-42 in navigable waters of the United States, the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. A structure authorized under this regional general permit must not interfere with general navigation.

19. The permittee shall perform all work in accordance with the attached general conditions.

20. SAJ-42 shall be valid for a period of 5 years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps will conduct periodic reviews to determine if continuation of the permit is not contrary to the public interest.

21. If SAJ-42 expires or is revoked prior to completion of the authorized work, authorization of activities that have commenced or are under contract to commence in reliance on SAJ-42 will remain in effect provided the activity is completed within 12 months of the date SAJ-42 expired or was revoked.

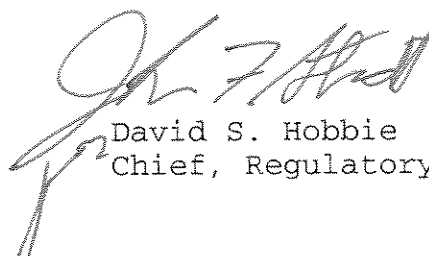
ENDANGERED SPECIES: The U.S. Army Corps of Engineers (Corps) has determined the proposed project may affect, but is not likely to adversely affect the threatened Johnson's seagrass (*Halophila johnsonii*), the endangered small toothed sawfish (*Pristis pectinata*), or the endangered/threatened swimming seaturtles (*Chelonia mydas*, *Eretmochelys imbricate*, *Lepidochelys kempii*, *Dermochelys coriacea*, *Caretta caretta*, *Lepidochelys olivacea*) or its designated critical habitat. The Corps will request National Marine Fisheries Service's concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

The U.S. Army Corps of Engineers (Corps) has determined the proposed project may affect, but is not likely to adversely affect the endangered West Indian manatee (*Trichechus manatus*) or its designated critical habitat. The Corps will request U.S. Fish and Wildlife Service's concurrence with this determination pursuant to Section 7 of the Endangered Species Act by separate letter.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act of 1996. Because it is excluded for use within areas containing submerged aquatic resources or is to be utilized only for structures that comply with the **"Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002"** and the **"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - August 2001"**, the proposal would impact only mud, shell, sand and rock bottom utilized by various life stages of penaeid shrimp

complex, red drum, reef fish, stone crab, spiny lobster, migratory/pelagic fish, and snapper/grouper complex. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the South Atlantic Region. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

RESPONSE: Comments regarding this proposed reissuance of General Permit SAJ-42 should be submitted in writing to Leah Oberlin at 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410, by fax at 561-626-6971 or by email at Leah.A.Oberlin@saj02.usace.army.mil within 30 days from the date of this notice. If no adverse comments are received, the permit will be reissued without further notice.

A handwritten signature in dark ink, appearing to read "D. S. Hobbie", is written over the typed name and title.

David S. Hobbie
Chief, Regulatory Division